

## II. REMARKS

Respectfully, and generally for the reasons set forth below, the objections and rejections and each ground therefore are traversed.

Respectfully, it is submitted that the Office Action is defective for failing to consider all pending claims. The supplemental amendment filed November 28, 2005, extends the number of pending claims to 133.

Claim 5 has been rejected pursuant to 35 U.S.C. Sec. 112. The Examiner contends that "said database" lacks an antecedent.

In response, claim 5 has been amended so as not to require an antecedent.

Claims 51-52 have been objected to. The Examiner notes that these claims differ from other claims. The claims appear to be correctly stated, and if an objection is maintained, pursuant to 35 U.S.C. Sec. 132, Applicant requests further information.

Claims 1-2, 4, 9, 11-14, 16, 19-21, 28-29, 30-34, 36-41, 43-50, 62-66, 68-73, 75-82, 94-98, 100-105, 107-117, and 124-125 have been rejected pursuant to 35 USC Sec. 102 for reasons set forth in the Office Action.

With respect to claim 1 and its rejected dependents, in view of the comments at page 3 on this point, Applicant respectfully disagrees. The significance of an unreturned telephone call to the Examiner is not a Bezos teaching of determining whether said second party would accept the gift... The rejection is moot in view of Applicant's amendment of the claim to require determining, over the Internet...

Further, Bezos does not mention without revealing.... Bezos's failure to mention without revealing... is not the same as Bezos mentioning a method or system without revealing.... The Examiner is requested to provide "such other information" pursuant to Sec. 132 on this point. Applicant respectfully contends that silence in the cited art regarding a claim requirement is not evidence of statutory anticipation, and the Office Action impermissibly shifts

the PTO's burden to establish unpatentability to the Applicant.

With respect to claim 19 and its rejected dependents, the reasons for the rejection do not appear to correspond to the claim requirements. Pursuant to Sec. 132, the Examiner is requested to explain how Bezos teaches a web site enabling, e.g., at least in view of the Office Action contention that the "without revealing" is somehow attributable to the significance to the Examiner of a hypothetical unreturned telephone, as per page 3 re claim 1. A telephone volley would not seem to constitute web site enabling.

As per the discussion of claim 1, with regard to claim 19 and its rejected dependent claims, again: Bezos does not mention without revealing.... Bezos's failure to mention without revealing... is not the same as Bezos mentioning a method or system without revealing.... The Examiner is requested to provide "such other information" pursuant to Sec. 132 on this point. Applicant respectfully contends that silence in the cited art regarding a claim requirement is not evidence of statutory anticipation, and the Office Action impermissibly shifts the PTO's burden to establish unpatentability to the Applicant.

Claims 15, 17, and 18 have been rejected pursuant to 35 U.S.C. Sec. 103. The Examiner contends that these claims are obvious over Bezos, in view of Walker (claim 15) and Oneda (claims 17-18).

Applicant respectfully traverses, at least in view of the above-given traversal to the rejection of the independent claims pertains also to these claims depend. Applicant maintains that a proper reason to combine has not been provided, and on this point, the Examiner is requested pursuant to Sec. 132 to explain the combination in view of the Board's reasoning in Ex parte Massey of record. The Examiner has not responded to this matter set out at page 28 of the Amendment and Response filed August 15, 2005. Given the disparity of problems being addressed in the cited art and differing solutions proposed by them, any attempt to combine them could only come from Applicant's claims.

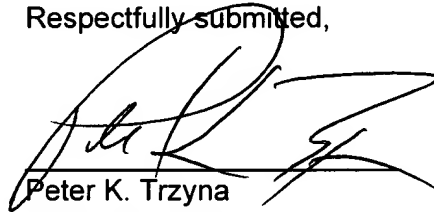
### III. Conclusion

The Examiner is invited to contact the undersigned at the telephone number set out below if it can in any way expedite or facilitate issuance of a patent on the application.

The application is believed to be in condition for allowance, and favorable action is respectfully requested. Please direct all correspondence to the undersigned at the address given below.

The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235. Please direct all correspondence to the undersigned at the address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter K. Trzyna', is written over a horizontal line.

Peter K. Trzyna  
(Reg. No. 32,601)

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